



# **City Council Meeting SYNOPSIS/MINUTES**

**Tuesday, May 12, 2020**

SAM LICCARDO, MAYOR  
CHAPPIE JONES, VICE MAYOR, DISTRICT 1  
SERGIO JIMENEZ, DISTRICT 2  
RAUL PERALEZ, DISTRICT 3  
LAN DIEP, DISTRICT 4  
MAGDALENA CARRASCO, DISTRICT 5  
DEV DAVIS, DISTRICT 6  
MAYA ESPARZA, DISTRICT 7  
SYLVIA ARENAS, DISTRICT 8  
PAM FOLEY, DISTRICT 9  
JOHNNY KHAMIS, DISTRICT 10



## MINUTES OF THE CITY COUNCIL

*Consistent with the California Governor's Executive Order No. N-29-20, Resolution No. 79450 from the City of San José and the Santa Clara County Health Officer's March 16, 2020 Shelter in Place Order, the City Council meeting was not physically open to the public. Public comments were accepted via eComment, email, by phone and webinar.*

The Council meeting was teleconferenced from remote locations.

**20-022 - [See Page 17 for Closed Session Minutes](#)**

The Council of the City of San José convened on Tuesday, May 12, 2020 at 11:16 a.m.

Present: Councilmembers - Arenas, Carrasco, Davis, Diep, Jimenez, Jones, Khamis, Esparza, Peralez, Foley; Liccardo.

Absent: Councilmembers - All Present.

**6:00 p.m. - Evening Session – Canceled.**

- **Invocation (District 5)**

None provided.

- **Pledge of Allegiance**

Mayor Sam Liccardo led the Pledge of Allegiance.

- **Orders of the Day**

Upon motion by Vice Mayor Chappie Jones, seconded by Councilmember Dev Davis, and carried unanimously, the Orders of the Day and the Amended Agenda were approved.  
(7-0-4. Absent: Carrasco, Esparza, Jimenez, Khamis.)

- **Closed Session Report**

None provided.

## **1.CEREMONIAL ITEMS**

None provided.

## **2. CONSENT CALENDAR**

Upon motion by Councilmember Dev Davis, seconded by Councilmember Pam Foley, and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (11-0.)

Public Comment: Blair Beekman pulled Item 2.8, addressing marshland negotiations; Item 2.11, urging Measure T oversight, and Item 2.13 asking that public art project money be spent responsibly.

### **2.1 Approval of City Council Minutes.**

None provided.

### **2.2 20-532 Final Adoption of Ordinances.**

(a) **Ord No. 30404** - An Ordinance of the City of San José Amending Section 25.04.300(b)(1) of Chapter 25.04 of Title 25 of the San José Municipal Code to Increase the Maximum Number of Air Carrier Gates from 40 to 42 at the Norman Y. Mineta San José International Airport. [Passed for Publication on 4/28/2020 - Item 5.1(c) (20-477)]

(b) **Ord No. 30406** - An Ordinance of the City of San José Enacting a Temporary Moratorium on Rent Increases for Tenants, Mobilehome Park Owners, and Mobilehome Residents Residing in Rent-Stabilized Apartments and Mobilehomes, Temporary Suspension of Late Charges for Failure to Pay Apartment Rent Control Fees, Permitting Reduction in Rent Agreements, and Waiver of Repair/Maintenance Application Permit Fees for Rent-Controlled Complexes. [Passed for Publication on 4/28/2020 - Item 8.1(b) (20-510)]

Action: **Ordinance No. 30404** and **Ordinance No. 30406** were adopted.

### **2.3 20-539 Approval of Council Committee Minutes.**

(a) Regular Smart Cities and Service Improvements Committee Meeting Minutes of May 2, 2019.

(b) Regular Community and Economic Development Committee Meeting Minutes of May 20, 2019.

(c) Regular Smart Cities and Service Improvements Committee Meeting Minutes of June 6, 2019

(d) Regular Community and Economic Development Committee Meeting Minutes of June 24, 2019.

(e) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of July 31, 2019.

(f) Regular Joint Meeting for the Rules and Open Government Committee and Committee of the Whole Meeting Minutes of August 7, 2019.

Action: The Council Committee Minutes were approved. (11-0.)

## **2.4 Mayor and Council Excused Absence Requests.**

None provided.

## **2.5 City Council Travel Reports.**

None provided.

## **2.6 Report from the Council Liaison to the Retirement Boards.**

None provided.

## **2.7 20-520 Amendment to the Master Consultant Agreement with Cornerstone Earth Group for Environmental Support Services.**

Approve the Second Amendment to the Master Consultant Agreement with Cornerstone Earth Group, Inc. for environmental consulting services, increasing the amount of compensation by \$500,000, for a total agreement not to exceed \$1,500,000.

CEQA: Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action. (Environmental Services)

Action: The Amendment to the Master Consultant Agreement was approved. (11-0.)

## **2.8 20-521 Report on Bids and Award of Construction Contract for 9394 - Legacy Lagoons Cleanup Phase 1 Project at the San José - Santa Clara Regional Wastewater Facility.**

(a) Adopt a resolution adopting an Addendum to the Environmental Impact Report for the San José-Santa Clara Water Pollution Control Plant Master Plan Project in accordance with the California Environmental Quality Act (CEQA), as amended, and adopting a related Mitigation Monitoring and Reporting Program.

(b) Report on bids and award of contract for the 9394 - Legacy Lagoons Cleanup Phase 1 Project to the low bidder, Pipe and Plant Solutions, Inc. in the amount of \$4,901,796, and approval of a 15 percent contingency in the amount of \$735,270.

(c) Adopt the following 2019-2020 Appropriation Ordinance Amendments in the San José- Santa Clara Treatment Plant Capital Fund:

(1) Decrease the Support Building Improvements appropriation to the Environmental Services Department by \$8,037,066; and

(2) Establish the Legacy Lagoons Biosolids Remediation appropriation to the Environmental Services Department in the amount of \$8,037,066. CEQA: Legacy Biosolids Lagoons Site Cleanup Addendum to the Environmental Impact Report (SCH# 2011052074) for the San José/Santa Clara Water Pollution Control Plant Master Plan Project, File No. ER20-007.

Action: **Resolution No. 79504** adopting the Addendum to the Environmental Impact Report, and appropriation **Ordinance No. 30408** were adopted. (11-0.)

**2.9 20-522 Amendment to the Restated Agreement for Lease and Maintenance of Compressed Natural Gas Shuttle Buses between the City of San José and Penske Truck Leasing Co., L.P.**

Adopt a resolution authorizing the City Manager to execute the Third Amendment to the Restated Agreement for Lease and Maintenance of Compressed Natural Gas Shuttle Buses at the Norman Y. Mineta San José International Airport with Penske Truck Leasing Co., L.P.

(Wilmington, Delaware) to extend services for up to three additional one-year option terms through May 31, 2023 for a not-to-exceed compensation of \$1,504,260 for June 1, 2020 through May 31, 2021, subject to the appropriation of funds.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.  
(Finance)

Mayor Sam Liccardo pulled Item 2.9 to pose questions to staff regarding less expensive alternatives. Director of Aviation, John Aitken, A.A.E. responded to questions and offered clarification.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Dev Davis and carried unanimously, **Resolution No. 79505** regarding execution of the Third Amendment to the Restated Agreement was adopted. (11-0.)

**2.10 20-523 Leland High School Artificial Turf Replacement Payment for the East and West Fields.**

Adopt the following 2019-2020 Appropriation Ordinance amendment in the General Fund:

(a) Decrease the Artificial Turf Capital Replacement Reserve by \$314,000; and

(b) Establish the Leland Sports Field Turf Replacement appropriation to the Parks, Recreation and Neighborhood Services in General Fund Capital Improvements in the amount of \$314,000.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical change to the environment.

Council District 10. (Parks, Recreation and Neighborhood Services/City Manager)

Action: Appropriation **Ordinance No. 30409** was adopted. (11-0.)

**2.11 20-524 2020 Local Streets Resurfacing #2 Project.**

(a) Approve award of a construction contract for the 2020 Local Streets Resurfacing #2 Project, to the low bidder, MCK Services, Inc., in the amount of \$6,899,056.

(b) Approve an approximate 10% contingency in the amount of \$689,900.

CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. Council Districts 1, 3, and 4.

(Transportation)

Action: Award of a construction contract for the 2020 Local Streets Resurfacing #2 Project with related contingency was approved. (11-0.)

**2.12 20-560 Ratification of the Declaration of the Director of Emergency Services Suspending Enforcement of Single Use Plastic Bag Regulations in the San José Municipal Code.**

Adopt a resolution confirming and ratifying the Declaration issued by the Director of Emergency Services Suspending Enforcement of Single Use Carry Out Bag Ordinance in the San José Municipal Code.

CEQA: Statutorily Exempt, Section 15269, Emergency Projects Undertaken for specific actions necessary to prevent or mitigate an emergency. (Environmental Services)

***Renumbered from Item 3.3 (20-537)***

Councilmember Dev Davis pulled Item 2.12 to present questions regarding curbside supermarket recycling of plastic bags and wrap. Staff responded to questions.

Action: Upon motion by Councilmember Dev Davis, seconded by Vice Mayor Chappie Jones and carried unanimously **Resolution No. 79506**, ratifying the Declaration issued by the Director of Emergency Services, was adopted. (11-0.)

**2.13 20-558 Agreement for Public Art Professional Services with the Santa Clara Valley Transportation Authority for the Eastridge to BART Regional Connector.**

a) Adopt a resolution authorizing the City Manager or his designee to negotiate and execute an Agreement for the City to provide the Santa Clara Valley Transportation Authority (VTA) with professional services for the development and implementation of public art for the Eastridge to BART Regional Connector with compensation to the City not to exceed \$300,000 for these services.

(b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:

(1) Establish a City-Wide Expenses appropriation to the Office of Economic Development for VTA Eastridge to BART Regional Connector Public Art in the amount of \$75,000; and

(2) Increase the estimate for Revenue from Local Agencies by \$75,000.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment, and File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. Council District 5. (Economic Development/City Manager)

***Renumbered from Item 8.1 (20-526)***

Action: **Resolution No. 79507** regarding the Agreement for Public Art Professional Services with the Santa Clara Valley Transportation Authority was adopted; and appropriation **Ordinance No. 30410** and Funding Sources **Resolution No. 79508** were adopted. (11-0.)

### **3. STRATEGIC SUPPORT**

- 3.1 20-530 Report of the City Manager, David Sykes (Verbal Report)**  
(a) City Manager's COVID-19 Update (Verbal Report)  
(b) City Manager's Report on Other City Matters (Verbal Report)

Opening comments were provided by Chief of Staff, Office of the City Manager, Lee Wilcox; Deputy City Manager, Kip Harkness, presented an update of COVID-19 developments; Director of the Office of Emergency Management, Ray Riordan spoke on funding and cost recovery. Assistant Director of Finance, Luz Cofresi-Howe continued with 'waterfall of funding' information. Staff responded to an extensive line of questioning.

*The Council Meeting was recessed at 12:30 p.m., and reconvened at 1:30 p.m. with all members present.*

#### **3.2 Labor Negotiations Update.**

None provided.

- 3.3 20-537 Ratification of the Declaration of the Director of Emergency Services Suspending Enforcement of Single Use Plastic Bag Regulations in the San José Municipal Code. - RENUMBERED TO ITEM 2.12**  
Adopt a resolution confirming and ratifying the Declaration issued by the Director of Emergency Services Suspending Enforcement of Single Use Carry Out Bag Ordinance in the San José Municipal Code.  
CEQA: Statutorily Exempt, Section 15269, Emergency Projects Undertaken for specific actions necessary to prevent or mitigate an emergency. (Environmental Services)  
***Item Renumbered to Item 2.12***

#### **3.4 20-556 Actions Related to the Coronavirus Relief Fund.**

- (a) Approve an ordinance amending Chapter 4.80 of Title 4 of the San José Municipal Code to add a new part to establish the Coronavirus Relief Fund.  
(b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Coronavirus Relief Fund:  
(1) Establish an estimate for Revenue from the Federal Government in the amount of \$178,295,248; and  
(2) Establish an appropriation for COVID-19 Emergency Response in the amount of \$45,000,000; and  
(3) Establish COVID-19 Emergency Response Reserve in the amount of \$133,295,248.  
(c) Ratify the Agreement to Provide Meals for Limited Duration During COVID-19 Disaster between the City of San José and Revolution Foods, Inc. (Oakland, CA) ("First Agreement with Revolution Foods") executed on April 13, 2020 to purchase and deliver ready-to-eat meals primarily to adults aged 19+ experiencing food insecurity due to the

*(Item Continued on the Next Page)*

### 3.4 (Cont'd.)

impacts of the COVID-19 pandemic beginning March 31, 2020 and ending on June 23, 2020 with two 45-day options to extend the term through September 21, 2020, for a maximum compensation not to exceed \$1,900,000.

(d) Adopt a resolution authorizing the City Manager to:

(1) Negotiate and execute an Agreement to Provide Meals for Limited Duration between the City of San José and Team San Jose (San Jose, CA) to provide meals to unhoused individuals beginning March 31, 2020 and ending on June 23, 2020 with a maximum compensation not to exceed \$1,644,750 for the initial term;

(2) Negotiate and execute an Agreement to Provide Meals for Limited Duration between the City of San José and Revolution Foods, Inc. (Oakland, CA) (“Second Agreement with Revolution Foods”) to secure capacity for individuals experiencing food insecurity due to the impacts of the COVID-19 pandemic beginning on or around May 11, 2020 through June 11, 2020, with up to two options to extend the term through August 10, 2020 with a maximum compensation not to exceed \$22,000,000;

(3) Negotiate and execute an Agreement to Provide Meals for a Limited Duration between the City of San José and World Central Kitchen (Washington, DC) to procure and deliver meals to higher risk-eligible individuals aged 60+ for an initial term through June 10, 2020 with a maximum compensation not to exceed \$3,564,000;

(4) Negotiate and execute an Agreement to Provide Meals for a Limited Duration between the City of San José and The Health Trust (San José, CA) to prepare and deliver frozen meals to higher risk-eligible individuals aged 60+ and to unhoused individuals beginning March 17, 2020 through May 15, 2020 with a maximum compensation not to exceed \$696,452;

(5) Execute a Purchase Order with First 5 Santa Clara County (San José, CA) for the purchase of diapers, wipes, and baby formula products to distribute to families experiencing food insecurity and to mitigate the effects of COVID-19 through June 12, 2020 for a maximum not-to-exceed compensation of \$511,348; and

(6) Negotiate and execute an Agreement to Provide Meals for Limited Duration between the City of San José and San Jose Unified School District to provide meals to students and their families beginning on or about March 23, 2020 and ending on or about May 22, 2020 with a maximum compensation not to exceed \$2,400,000.

(e) Adopt a resolution authorizing the City Manager to:

(1) Exercise one 45-day option to extend the term of the Agreement to Provide Meals for Limited Duration between the City of San José and Team San Jose for a maximum not-to-exceed compensation of \$573,750;

(2) Exercise one 30-day option to extend the term of the Agreement to Provide Meals for Limited Duration between the City of San José and World Central Kitchen; and

*(Item Continued on the Next Page)*



### 3.4 (Cont'd.)

(3) Exercise one 30-day option to extend the term of the Agreement to Provide Meals for Limited Duration between the City of San José and The Health Trust.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.

(City Manager)

[Deferred from 5/5/2020 - Item 3.6 (20-540)]

Chief of Staff, Office of the City Manager, Lee Wilcox, offered a presentation, and extensive discussion followed, with staff available to answer questions.

Public Comment: Blair Beekman wished the City the best of luck with FEMA.

Action: Upon motion by Councilmember Maya Esparza, seconded by Councilmember Sylvia Arenas and carried unanimously, actions related to the Coronavirus Relief Fund were approved. **Ordinance No. 30411 was passed for publication;** (b) Appropriation **Ordinance No. 30412**, and Funding Sources **Resolution No. 79509;** (d) and (e) **Resolution No. 79510** were adopted. (11-0.)

## 4. PUBLIC SAFETY SERVICES

### 4.1 20-525 Actions Related to the 2019 Bay Area Urban Areas Security Initiative Grant Agreement.

(a) Adopt a resolution authorizing the City Manager to execute an Agreement between the City of San José and the City and County of San Francisco, acting as fiscal agent for the Bay Area Urban Areas Security Initiative, to accept the 2019 UASI grant allocation in the amount of \$1,036,355, and to negotiate and execute additional amendments and related documents without further City Council action.

(b) Adopt the following 2019-2020 Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:

(1) Establish a City-Wide Expenses appropriation to the Police Department for the Urban Areas Security Initiative Grant - Police 2019 in the amount of \$401,218;

(2) Establish a City-Wide Expenses appropriation to the Fire Department for the Urban Areas Security Initiative Grant - Fire 2019 in the amount of \$61,188; and

(3) Increase the estimate for Revenue from Federal Government by \$462,406.

CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Police/Fire/City Manager)

Action: Upon motion by Councilmember Maya Esparza, seconded by Councilmember Pam Foley and carried unanimously, actions Related to the 2019 Bay Area Urban Areas Security Initiative Grant Agreement were approved. **Resolution No. 79512**, Appropriation **Ordinance No. 30413** and Funding Sources **Resolution No. 79513;** were adopted. (11-0.)

## **5. TRANSPORTATION & AVIATION SERVICES**

### **5.1 20-563 Amendments to Concession Agreements for Temporary Financial Relief to Non-Aeronautical Concessionaires at the Norman Y. Mineta San José International Airport.**

Adopt a resolution authorizing the City Manager to negotiate and execute amendments to concession agreements to provide temporary financial relief to non-aeronautical concessionaires operating on Airport premises effective June 1, 2020 through June 30, 2021, to support Airport concession operations that have been directly impacted by Airport passenger declines as a result of the COVID-19 pandemic.

Financial relief for Airport concessionaires could include:

- (a) Suspension of concessionaire contributions to the Airport Marketing and Customer Service Fund through June 30, 2021;
- (b) Suspension of MAG Rent and charge only percentage rent for June 2020;
- (c) Suspend, defer or modify the Annual Concession Fee Reconciliation (True Up) as a result of any negotiated adjustments to the MAG; and
- (d) Adjust tenant improvement construction schedules.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.

(Airport)

[Rules Committee referral 5/6/2020 - Item A.1.a]

Director of Aviation, John Aitken, A.A.E. provided clarification to discussions and negotiations being held.

Action: Upon motion by Councilmember Dev Davis, seconded by Councilmember Pam Foley and carried unanimously, **Resolution No. 79514** regarding Amendments to Concession Agreements for Temporary Financial Relief to Non-Aeronautical Concessionaires at the Norman Y. Mineta San José International Airport was adopted. (11-0.)

## **6. ENVIRONMENTAL & UTILITY SERVICES**

## **7. NEIGHBORHOOD SERVICES**

## **8. COMMUNITY & ECONOMIC DEVELOPMENT**

### **8.1     20-526     Agreement for Public Art Professional Services with the Santa Clara Valley Transportation Authority for the Eastridge to BART Regional Connector. - RENUMBERED TO ITEM 2.13**

(a) Adopt a resolution authorizing the City Manager or his designee to negotiate and execute an Agreement for the City to provide the Santa Clara Valley Transportation Authority (VTA) with professional services for the development and implementation of public art for the Eastridge to BART Regional Connector with compensation to the City not to exceed \$300,000 for these services.

(b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:

(1) Establish a City-Wide Expenses appropriation to the Office of Economic Development for VTA Eastridge to BART Regional Connector Public Art in the amount of \$75,000; and

(2) Increase the estimate for Revenue from Local Agencies by \$75,000.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment, and File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. Council District 5. (Economic Development/City Manager)

***Renumbered to Item 2.13***

### **8.2     20-566     Actions Related to the Housing Opportunities for Persons with AIDS Permanent Supportive Housing CARES Act Supplemental Grant from the U.S. Department of Housing and Urban Development.**

(a) Adopt a resolution to:

(1) Accept \$140,108 in Housing Opportunities for Persons with AIDS Permanent Supportive Housing (HOPWA-PSH) supplemental funding made available by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) as administered by the U.S. Department of Housing and Urban Development (HUD) for COVID-related uses;

(2) Award the HOPWA-PSH CARES Act supplemental funding to The Health Trust, adding \$140,108 to its current contract of \$1,222,902 to provide permanent supportive housing assistance and supportive services to San José residents living with HIV/AIDS, for a total contract award not to exceed \$1,363,010; and

(3) Authorize the Director of Housing to negotiate and execute a first amendment to the Health Trust contract dated March 3, 2020, relating to this additional funding.

(b) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Multi-Source Housing Fund:

(1) Increase the estimate for Revenue from the Federal Government by \$140,108; and

*(Item Continued on the Next Page)*

## 8.2 (Cont'd.)

(b) (2) Increase the CARES HOPWA Grants appropriation to the Housing Department by \$140,108.

CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant impact to the environment; and PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (Housing/City Manager)  
[Rules Committee referral 5/6/2020 - Item A.1.a]

Public Comment: Blair Beekman suggested constructive discussion points regarding debt forgiveness.

Action: Upon motion by Councilmember Pam Foley, seconded by Vice Mayor Chappie Jones and carried unanimously, **Resolution No. 79515**, Appropriation **Ordinance No. 30414** and Funding Sources **Resolution No. 79516**, related to Actions Related to the Housing Opportunities for Persons with AIDS Permanent Supportive Housing CARES Act Supplemental Grant from the U.S. Department of Housing and Urban Development were adopted. (11-0.)

## 8.3 20-564 **Amendment to the Apartment Rent Ordinance Due to COVID-19 Pandemic to Allow a Temporary Reduction of Rent. - RECOMMEND DEFERRAL**

Approve an ordinance amending the Apartment Rent Ordinance, Chapter 17.23 of Title 17 of the San José Municipal Code to provide the following:

(a) Landlords who enter into reduced rent agreements with their tenants pursuant to the COVID-19 Rent Increase Moratorium Ordinance, Ordinance No. 30405, may base their Annual General Increase upon the previously-charged rent amount and not on the monthly rent charged under those reduced rent agreements executed pursuant to the COVID-19 Rent Increase Moratorium;

(b) This amendment will be effective for twelve months after expiration of the COVID-19 Rent Increase Moratorium.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. (Housing)

[Rules Committee referral 5/6/2020 - Item A.1.a]

**Deferred to 5/19/2020 Per Administration**

## 8.4 20-557 **Actions Related to Temporary Sheltering Operations and Services for COVID-19 Emergency Response.**

Adopt a resolution authorizing the City Manager or designee to negotiate and execute an agreement with Abode Services in the amount of \$728,855 to operate 90 emergency non-congregate shelter trailers provided by the California Governor's Office of Emergency Services, located at a City-owned parking lot at the intersection of Story Road and Remillard Court, to provide additional temporary sheltering operation services necessary for COVID-19 emergency response, with any necessary ancillary documents, retroactive to May 1, 2020 until October 31, 2020.

*(Item Continued on the Next Page)*

## 8.4 (Cont'd.)

CEQA: Pursuant to Governor's order N-32-20, CEQA, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division are suspended for any project using Homeless Emergency Aid Program funds, Homeless Housing, Assistance, and Prevention Program funds, or funds appropriated in Senate Bill 89, signed on March 17, 2020. The above listed project will use SB89 funds. (Housing)  
[Rules Committee referral 4/29/2020 - Item A.1.a]  
[Deferred from 5/5/2020 - Item 8.1 (20-533)]

Director of Housing Jacky Morales-Ferrand provided a presentation, and staff responded to questions from Council.

Public Comments: One member of the public urged a more appropriate location, citing safety concerns. Amy Pizarro and Vikki Bowes-Mok, representing the Happy Hollow Foundation, asked that an exit strategy be implemented quickly for public access and enjoyment of the Park. Ingrid Granados, Destination Home, offered support to the temporary sheltering operation. Blair Beekman urged long-term solutions for the homeless.

Motion: Councilmember Maya Esparza moved approval of staff recommendations, including her memorandum dated May 8, 2020. The motion was seconded by Councilmember Sylvia Arenas.

Action: On a call for the question, the motion carried unanimously, and **Resolution No. 79517**, Related to Temporary Sheltering Operations and Services for COVID-19 Emergency Response was adopted, including the May 8, 2020 memorandum from Councilmember Maya Esparza, to (1) Accept Staffs' recommendations; (2) Establish that the trigger for the City's exit plan for the East Lot site will be when the County orders allow for the reopening of Happy Hollow Park and Zoo; (3) Prioritize, to the extent possible, the population housed in the temporary facilities in the East Lot at Happy Hollow Park and Zoo for interim housing solutions such as Bridge Housing Communities; (4) Explore utilizing current onsite security services provider at Happy Hollow Park and Zoo for any additional security needed for the East Lot site; and (5) Direct the City Manager to develop a strategy for addressing blight that may occur on Story Road. (11-0.)

## **9. REDEVELOPMENT – SUCCESSOR AGENCY**

## **10. LAND USE**

### **10.1 Land Use on Consent Calendar**

**(a) 20-527 C20-003 - Conforming Rezoning on Real Property Located at 360-400 Saratoga Avenue.**

Approve an ordinance rezoning the approximately 10.34-acre site on that certain real property located on the northwest corner of Kiely Boulevard and Northlake Drive (360-400 Saratoga Avenue) from the CG Commercial General Zoning District to the CP Commercial Pedestrian Zoning District.

CEQA: Determination of Consistency to the Final Program Environmental Impact Report for the Envision San José 2040 General Plan for which findings were adopted by City Council through its Resolution No. 76041 on November 1, 2011, and Supplemental Environmental Impact Report, through Resolution No. 77617, adopted by City Council on December 15, 2015, and Addenda thereto. Director of Planning, Building and Code Enforcement recommends approval. Council District 1. (Planning, Building and Code Enforcement)

***Heard Immediately After Consent***

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Maya Esparza and carried unanimously, **Ordinance No. 30415**, Conforming Rezoning on Real Property Located at 360-400 Saratoga Avenue was passed for publication. (11-0.)

**(b) 20-528 C19-026 and SP19-023 - Conforming Rezoning and a Special Use Permit for Real Property Located at 6835 Trinidad Drive.**

(a) Approve an ordinance rezoning an approximately 9.13-gross acre site, on that certain real property located on the northeast corner of the Trinidad Drive and Akio Way intersection from the R-1-5 Single-Family Residence District to Public/Quasi-Public Zoning District.

(b) Adopt a resolution approving the Special Use Permit to allow the continued use and phased renovation of a private elementary school (preschool through 8th grade) including: demolition of 30,100 square feet of building, relocation of portable building and other structures, and the addition of new and modified building totaling 82,040 square feet, including a 15,000-square foot event center, general site improvements, and outdoor school uses within 150 feet of residentially-zoned properties and the removal of 4 ordinance-size trees and 8 non-ordinance-size trees on an approximately 9.13-gross acre site located on the northeast corner of the Trinidad Drive and Akio Way intersection (6835 Trinidad Drive).

CEQA: Categorically Exempt, CEQA Guidelines Section 15302, Replacement or Reconstruction. File Nos. C19-0026 and SP19-023. Director of Planning, Building and Code Enforcement recommends approval. Council District 10. (Planning, Building and Code Enforcement)

***Heard Immediately After Consent***

*(Item Continued on the Next Page)*

## 10.1 Land Use on Consent Calendar

### (b) (Cont'd.)

Councilmember Johnny Khamis pulled Item 10.1(b) from the Consent Calendar to recommend an addition to condition #50, as noted below in “Action”.

Action: Upon motion by Councilmember Johnny Khamis, seconded by Councilmember Pam Foley and carried unanimously, **Ordinance No. 30416**, Conforming Rezoning and a Special Use Permit for Real Property Located at 6835 Trinidad Drive was passed for publication, and **Resolution No. 79518** approving a Special Use Permit was adopted, with the additional verbiage as noted by Councilmember Johnny Khamis under condition #50, Public Works Clearance, to include the phrase “*To the satisfaction of the Director of Public Works...*”. (11-0.)

### (c) 20-529 ST20-001 - Street Renaming to Change Champions Drive to Wondo Way.

Adopt a resolution adopting the renaming of Champions Drive to Wondo Way, a public street extending approximately 2,000 feet northwest of its intersection with Earthquakes Way to the City boundary of the City of Santa Clara with the condition that the name change will not take place until the City of Santa Clara renames its portion of Champions Way to Wondo Way.

CEQA: CEQA Guideline Section 15061(b)(3), Review for Exemption. Director of Planning, Building and Code Enforcement recommends approval. Council District 3. (Planning, Building and Code Enforcement)

#### ***Heard Immediately After Consent***

Councilmember Sergio Jimenez expressed enthusiasm to the street renaming.

Action: Upon motion by Councilmember Pam Foley, seconded by Councilmember Maya Esparza and carried unanimously, **Resolution No. 79519** regarding Street Renaming to Change Champions Drive to Wondo Way was adopted. (11-0.)

### (d) 20-535 PP20-009 - Amendment to Title 20 (The Zoning Ordinance). - DEFERRED

Approve an ordinance of the City of San José amending Chapter 20.190 of Title 20 of the San José Municipal Code to extend the applicability of City density bonus development incentives and to update the City’s density bonus ordinance in conformance with state law; amending Chapter 20.30, Chapter 20.40, Chapter 20.70, Chapter 20.75 and Chapter 20.200 to enumerate and add a definition for Permanent Supportive Housing and Low Barrier Navigation Center; adding Chapter 20.195 to implement ministerial approvals required by California Government Code Section 65650 et. seq., 65660 et. seq., and 65913.4; and to make other technical, non-substantive, or formatting changes within those sections of Title 20 of the San José Municipal Code. CEQA: Determination of Consistency with the Envision San Jose 2040

*(Item Continued on the Next Page)*

## 10.1 (d) (Cont'd.)

General Plan Final Program Environmental Impact Report (FEIR), adopted through Resolution No. 76041, and Supplemental EIR Resolution No. 77617, adopted on December 15, 2015, and Addenda thereto. Planning Commission recommends approval (7-0). (PBCE) [Deferred from 4/14/2020 - Item 10.1(c) (20-432); 4/28/2020 - Item 10.1(b) (20-480)]  
**Deferred to 5/19/2020 per Rules and Open Government**

## END OF CONSENT CALENDAR

## 10 Land Use - Regular Agenda – None provided.

## Open Forum

Blair Beekman urged the use of positive, sustainable concepts rather than our dependency and use of heavier, dirtier oil and fossil fuel, and the need for sustainable choices for mass transit.

## • Adjournment

The Council of the City of San José adjourned at 5:11 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

***DRAFT***

Toni J. Taber, CMC  
City Clerk

rmk/05-12-2020 MIN



## **CLOSED SESSION MINUTES**

**TUESDAY, MAY 12, 2020**

The Council of the City of San José convened into Closed Session at 9:33 a.m. The Session was teleconferenced from remote locations.

Present: Councilmembers - Arenas, Diep, Jimenez, Jones, Khamis, Esparza, Peralez, Esparza, Foley; Liccardo.

Absent: Councilmembers - Carrasco.

### **A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:**

Significant exposure to litigation pursuant to Sections 54956.9(d)(2) and (e)(1) of the Government Code:

Number of matter(s) to be discussed: 1

### **B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):**

1. Case Name: Bushey v. Bushey, et al.  
Name(s) of Parties(s) Involved: SHANNON BUSHEY, REGISTRAR OF VOTERS FOR THE COUNTY OF SANTA CLARA, in her official capacity; TONI TABER, CITY CLERK FOR THE CITY OF SAN JOSE, in her official capacity  
Court: Superior Court of the State of California, County of Santa Clara  
Case No.: 20-CV-365450  
Amount of Money or Other Relief Sought: Petition for Writ of Mandate
2. Case Name: City v. Monsanto Company, et al.  
Name(s) of Parties(s) Involved: CITY OF SAN JOSE; MONSANTO COMPANY; SOLUTIA, INC.; PHARMACIA CORP.; and DOES 1-100  
Court: U.S. District Court, Northern District of California  
Case No.: 15-CV-03178-EJD

Amount of Money or Damages according to proof  
Other Relief Sought:

**C. CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6:**

City Negotiator: Jennifer Schembri, Director of Employee Relations

Employee Organizations:

1. Organization or Name and Title of Unrepresented Employees: **Association of Building, Mechanical and Electrical Inspectors (ABMEI)**

Nature of negotiations: wages/salaries, hours, working conditions, etc.

Name of Existing Contract or MOA: Memorandum of Agreement – City of San José and Association of Building, Mechanical and Electrical Inspectors (ABMEI)

How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/index.aspx?NID=508>  
Telephone – Employee Relations: (408) 535-8150
2. Organization or Name and Title of Unrepresented Employees: **Association of Engineers & Architects (AEA)**

Nature of negotiations: wages/salaries, hours, working conditions, etc.

Name of Existing Contract or MOA: Memorandum of Agreement — City of San José and Association of Engineers & Architects (AEA)

How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/index.aspx?NID=508>  
Telephone – Employee Relations: (408) 535-8150
3. Organization or Name and Title of Unrepresented Employees: **Association of Maintenance Supervisory Personnel (AMSP)**

Nature of negotiations: wages/salaries, hours, working conditions, etc.

Name of Existing Contract or MOA: City of San José - Association of Maintenance Supervisory Personnel (AMSP) Benefit & Compensation Summary

How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/index.aspx?NID=508>  
Telephone – Employee Relations: (408) 535-8150

4. Organization or Name and Title of Unrepresented Employees: **City Association of Management Personnel Agreement (CAMP)**  
Nature of negotiations: wages/salaries, hours, working conditions, etc.  
Name of Existing Contract or MOA: Benefit & Compensation Summary — City of San José and City Association of Management Personnel Agreement  
How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/index.aspx?NID=508>  
Telephone – Employee Relations: (408) 535-8150
5. Organization or Name and Title of Unrepresented Employees: **International Association of Firefighters (IAFF), Local 230 (IAFF#230)**  
Nature of negotiations: wages/salaries, hours, working conditions, etc.  
Name of Existing Contract or MOA: Memorandum of Agreement Between City of San José and International Association of Firefighters (IAFF), Local 230  
How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/index.aspx?NID=508>  
Telephone – Employee Relations: (408) 535-8150
6. Organization or Name and Title of Unrepresented Employees: **International Brotherhood of Electrical Workers, Local 332 (IBEW)**  
Nature of negotiations: wages/salaries, hours, working conditions, etc.  
Name of Existing Contract or MOA: Memorandum of Agreement Between City of San José and International Brotherhood of Electrical Workers, Local 332 (IBEW)  
How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/index.aspx?NID=508>  
Telephone – Employee Relations: (408) 535-8150
7. Organization or Name and Title of Unrepresented Employees: **Municipal Employees' Federation, AFSCME Local 101, AFL-CIO (MEF)**

- |  |   |  |
|--|---|--|
|  | Nature of negotiations:                           | wages/salaries, hours, working conditions, etc.  |
|  | Name of Existing Contract or MOA:                 | Memorandum of Agreement — City of San José and Municipal Employees' Federation, AFSCME Local 101, AFL-CIO  |
|  | How to Obtain a copy of Existing Contract or MOA: | Web: <a href="http://www.sanjoseca.gov/index.aspx?NID=508">http://www.sanjoseca.gov/index.aspx?NID=508</a><br>Telephone – Employee Relations: (408) 535-8150 |
- 8. Organization or Name and Title of Unrepresented Employees:**
- International Union of Operating Engineers, Local No. 3 (OE#3)**
- |  |   |  |
|--|---|--|
|  | Nature of negotiations:                           | wages/salaries, hours, working conditions, etc.  |
|  | Name of Existing Contract or MOA:                 | Memorandum of Agreement Between City of San José and International Union of Operating Engineers, Local No. 3 (OE#3)  |
|  | How to Obtain a copy of Existing Contract or MOA: | Web: <a href="http://www.sanjoseca.gov/index.aspx?NID=508">http://www.sanjoseca.gov/index.aspx?NID=508</a><br>Telephone – Employee Relations: (408) 535-8150 |
- 9. Organization or Name and Title of Unrepresented Employees:**
- Peace Officer Park Ranger Association (POPRA)**
- |  |   |  |
|--|---|--|
|  | Nature of negotiations:                           | wages/salaries, hours, working conditions, etc.  |
|  | Name of Existing Contract or MOA:                 | Memorandum of Agreement — City of San José and Peace Officer Park Ranger Association   |
|  | How to Obtain a copy of Existing Contract or MOA: | Web: <a href="http://www.sanjoseca.gov/index.aspx?NID=508">http://www.sanjoseca.gov/index.aspx?NID=508</a><br>Telephone – Employee Relations: (408) 535-8150 |
- 10. Organization or Name and Title of Unrepresented Employees:**
- San José Police Officers' Association (SJPOA)**
- |  |                                   |  |
|--|-----------------------------------|--|
|  | Nature of negotiations:           | wages/salaries, hours, working conditions, etc.                              |
|  | Name of Existing Contract or MOA: | Memorandum of Agreement — City of San José and San José Polices' Association |

How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/index.aspx?NID=508>  
Telephone – Employee Relations: (408) 535-8150

11. Organization or Name and Title of Unrepresented Employees: **Association of Legal Professionals of San José (ALP)**  
Nature of negotiations: wages/salaries, hours, working conditions, etc.  
Name of Existing Contract or MOA: Memorandum of Agreement – City of San José and Association of Legal Professionals of San José  
How to Obtain a copy of Existing Contract or MOA: Web: <http://www.sanjoseca.gov/index.aspx?NID=508>  
Telephone – Employee Relations: (408) 535-8150

The Closed Session adjourned at 11:03 a.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

***DRAFT***

Toni J. Taber, CMC  
City Clerk

rmk/05-12-2020 MIN